IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9078 OF 2005

Vithal Balwant Gaikwad .. Petitioner

Versus

Jotirling Sahakari Pani

Purvatha Sanstha Ltd. & Ors. .. Respondents

Mr.V.B.Rajure for petitioner

Mr.H.S.Venegavkar for respondents

CORAM : S.C.DHARMADHIKARI, J.

DATE : 3rd February 2006.

P.C.

. Heard Mr.Rajure for petitioner and Mr.Venegavkar for respondent society. The

grievance is against respondent No.1 society as it is recovering some charges under the head "Percolation charges" from the petitioner who is original disputant.

2. When this matter was placed before me today, Mr.Venegavkar after taking instructions from respondent Nos. 1 and 2 states that the respondent Nos. 1 and 2 would not proceed and recover the Percolation charges from the petitioner for a period of six month from today. He further submits that during this time, the dispute which is pending in the Cooperative Court at Kolhapur from 2001 should be expeditiously disposed of.

3. In the light of this statement of Mr.Vinegavkar, in my view, it is not necessary to scrutinise the legality and validity of the interlocutory orders passed in the pending dispute. Said orders should not influence trial

court and the dispute should be decided on its own merits and in accordance with law, after giving opportunity to both petitioner as well as respondent Nos. 1 and 2.

4. In the light of the fact that the dispute is pending for more than four years, trial court should endeavour to dispose it off by 30th September 2006. Petition disposed of. Liberty, of course, is reserved for petitioner to apply if the dispute is not decided till that time.

(S.C.DHARMADHIKARI, J)